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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,693	04/06/2001	Sheryl Walker Henderson	P50-0051	5057

7590 08/09/2004

Michelin North America, Inc.  
 Intellectual Property Department  
 P.O. Box 2026  
 Greenville, SC 29602

EXAMINER
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THOMPSON JR, FOREST

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/827,693

Applicant(s)

HENDERSON ET AL.

Examiner

Forest Thompson Jr.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/5/01
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-9 have been examined.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Ahluwalia (U.S. Patent No. 6,728,685).

**Examiner's Note:** Applicant's invention assists a user in selecting and purchasing tires using computer communication. The prior art used in the rejection, i.e., Ahluwalia, claims an online communication schema for reporting related to online ordering and tracking of configurable products. While the prior art is not limited to only tires, as is applicant's instant invention, Ahluwalia is analogous art that encompasses applicant's claimed aspects, including automobiles configured to meet customer demands.

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

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Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim 1: Ahluwalia teaches:

- providing a database of tires, including at least information on vehicle fitment and performance characteristics (col. 7 line 60 – col. 8 line 31);
- obtaining from the user information to determine vehicle fitment and the user's preferences of performance characteristics for the tires (col. 7 line 60 – col. 8 line 31);
- selecting from the database, responsive to the information obtained from the user, a set of tire models corresponding to the vehicle fitment information and which most closely match the user's preferred performance characteristics (col. 9 lines 23-63); and,
- displaying to the user information and performance characteristics for the selected set of tires to permit comparison of the tires (col. 9 lines 50-63).

Claim 2: Ahluwalia teaches displaying to the user names and locations of dealers for the selected set of tire models (col. 11 lines 12-31).

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Claim 3: Ahluwalia teaches requesting a price quote from a dealer to be delivered directly to the user for at least one of the selected set of tire models (col. 9 lines 4-15).

Claim 4: Ahluwalia teaches displaying information and characteristics of the selected set of tire models includes calculating and displaying a score indicating how each tire ranks within the selected set of tire models (col. 17 lines 23-54).

Claim 5: Ahluwalia teaches re-ordering the display of the selected set of tire models according to user provided criteria (col. 11 lines 12-31).

Claim 6: Ahluwalia teaches providing the database includes the step of testing tires to obtain performance data characteristics, including at least noise, cornering, hydroplaning resistance, wet braking, and traction performance (col. 11 lines 12-31).

Claim 7: Ahluwalia teaches providing the database includes the step of storing manufacturer data for each tire on make, model, size, vehicle fitments (col. 9 lines 4-14).

Claim 8: Ahluwalia teaches obtaining information from the user includes posing a series of questions to the user to elicit desired information, each question requiring a choice between at least two characteristics, wherein, said characteristics correspond to characteristics associated with the tires stored in the database (col. 5 line 63 – col. 6 line 25).

Claim 9: Ahluwalia teaches tires are selected from the database according to a set of responses to the questions (col. 5 line 63 – col. 6 line 25).

### ***Conclusion***

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4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art includes:

- Pulliam et al. (U.S. Patent No. 6,609,108) that teaches an online communication schema for communicating online vehicle orders. The communication schema includes a customer request message, which includes an order message having order information, contact information and vehicle configuration. The order message includes a fleet order message, a retail order message, and a tagged order message. The communication schema further includes a lead message having lead information, contact information, vehicle configuration, and dealer information. The communication schema further includes an order confirmation message.
- Landom et al. (U.S. Patent No. 6,604,088) that teaches a system and method for automatically providing price quotes for various barcode printing supply products. The system displays a default quote when a new quote is to be provided. The default quote identifies default values for a number of variables defining a default barcode printing supply product; at least one default quantity value and a price for the specified quantity of the default product. To obtain a price quote on a new product the user need only change the variable values that distinguish the new product from the default product. Further, the system stores a set of allowable options in association with each of a number of the user selectable variable values. When one of these variable values is selected, the system automatically updates the values of other variables on the display in accordance with the allowable option set of the one variable value. The system also


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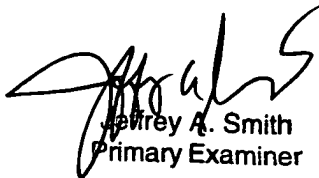
allows the quoted price to be deviated by various amounts depending upon the reason for the price deviation request.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30 AM-3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FT   
07/09/2004

  
Jeffrey A. Smith  
Primary Examiner